

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Winfried S. Faulring

v.

Civil No. 05-cv-326-SM

R. Stahl, Inc. and
R. Stahl AG

O R D E R

On October 6, 2006 plaintiff issued Notices of Depositions to defendant R. Stahl, Inc. and R. Stahl AG executives for depositions on October 23, 2006 (Erika Barragan and Wolfgang Rothlaender), all in New Hampshire. The Motion for Protective Order was filed on October 19, 2006.¹

Mr. Rothlaender is a German national who has never traveled to the United States on business, is not employed directly or indirectly by the U.S. entity and is not listed as a witness. He is not key to the events surrounding plaintiff's termination. He stands on very different footing than did Dr. Voelker. If plaintiff wants his deposition it will be taken by agreement in Germany. As to Mr. Rothlaender the motion is granted.

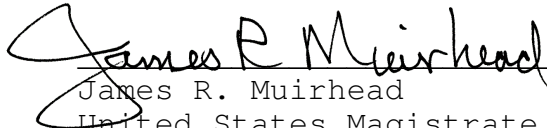
Plaintiff appears to have good reasons to depose Ms.

¹The discovery deadline was November 2, 2006 and the case is set for trial on December 5, 2006.

Barragan and Mr. Berner, both of whom are subject to deposition in the United States. I exercise my discretion to order that the depositions be taken in the next three weeks in Houston, the corporate headquarters. Requiring defendant to fly two more executives here versus the cost of flying one New Hampshire attorney to Houston is not reasonable considering the relative cost in time and money. Defendant is ordered to produce both witnesses on the same hourly schedules as set out in the notices and on a day within the next three weeks acceptable to plaintiff's counsel.²

The motion (document no. 36) is granted as set forth above.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: November 7, 2006

cc: Edward M. Kaplan, Esq.
Craig L. Staples, Esq.

²If there are disputes about documents to be produced counsel is to set them out in an expedited motion before lift off or they will waive them.